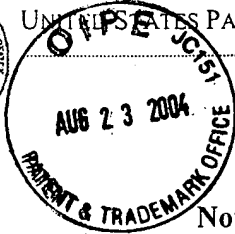




UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

### Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 8-3-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

#### THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

*Carolina Betancourt*  
Legal Instruments Examiner (LIE)

571-272-0509  
Telephone No.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Michael J. Hearn

Serial No.: 09/699,732      Group No: 1625

Filed: October 30, 2000      Examiner: Robinson, B.

For: ANTIMYCOBACTERIAL COMPOUNDS  
AND METHOD FOR MAKING THE SAME

Mail Stop Amendment  
Commissioner of Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

AMENDMENT TRANSMITTAL

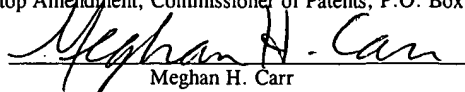
1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
  - ☒ a small entity - verified statement:
    - ☐ attached.
    - ☒ already filed.
    - ☐ other than a small entity.

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this Amendment and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date August 23, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV535855468US addressed to the: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Meghan H. Carr

### EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments)--If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply

(complete (a) or (b) as applicable)

(a)    Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

| Extension<br>(months)  | Fee for other than<br><u>small entity</u> | Fee for<br><u>small entity</u> |
|------------------------|---|--------------------------------|
| <u>  </u> one month    | \$ 110.00                                 | \$ 55.00                       |
| <u>  </u> two months   | \$ 420.00                                 | \$210.00                       |
| <u>  </u> three months | \$ 950.00                                 | \$475.00                       |
| <u>  </u> four months  | \$1,480.00                                | \$740.00                       |
| <u>  </u> fifth month  | \$2,010.00                                | \$1,005.00                     |

Fee \$

If an additional extension of time is required please consider this a petition therefor.  
(check and complete the next item, if applicable)

   An extension for        months has already been secured and the fee paid therefor of  
\$        is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

OR

(b)   X   Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1)                                     | (Col. 2)                                   | (Col. 3)        | SMALL ENTITY              |              | OTHER THAN A<br>SMALL ENTITY |     |
|--|--|-----------------|---------------------------|--------------|------------------------------|-----|
| CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT    | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOREXTRA | PRESENT<br>RATE | FEE                       | ADDIT.<br>OR | RATE                         | FEE |
| TOTAL  | MINUS                                      | =               | x 9= \$                   |              | x18=                         | \$  |
| INDEP.                                       | MINUS                                      | =               | x40= \$                   |              | x80=                         | \$  |
| FIRST PRESENTATION OF<br>MULTIPLE DEP. CLAIM |  |                 | +135=\$                   |              | +\$270=                      | \$  |
|  |  |                 | TOTAL<br>ADDIT.<br>FEE \$ | OR           | TOTAL<br>ADDIT.<br>FEE       | \$  |

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: "After final rejection or action (37 CFR 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR 1.116(a) (emphasis added).

(complete (c) or (d) as applicable)

(c) ☒ No additional fee for claims is required.

OR

(d) ☐ Total additional fee for claims required \$\_\_\_\_\_.

## FEE PAYMENT

5. ☐ Attached is a check in the sum of \$\_\_\_\_\_.

☐ Charge Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_.

A duplicate of this transmittal is attached.

### FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. X If any additional extension and/or fee is required, charge Account No. 19-0079

### AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079

  
SIGNATURE OF ATTORNEY

Reg. No.: 44,357

Richard L. Stevens, Jr.  
Type or print name of attorney

Tel. No.: (617) 426-9180  
Extension 123

Gauthier & Connors

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P.O. Address

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